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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/759,628

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Steven F. Mastoris

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7590

03/16/2005

HEWLETT-PACKARD COMPANY

Intellectual Property Administration

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EXAMINER

FIGUEROA, FELIX O

ART UNIT

PAPER NUMBER

2833

DATE MAILED: 03/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/759,628

Applicant(s)

MASTORIS ET AL.

Examiner

Felix O. Figueroa

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,7-27 and 32-49 is/are pending in the application.
- 4a) Of the above claim(s) 11-27 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 32-40 and 45-49 is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7-10 and 41-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 11-27 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 5 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Nicolici et al. (US 6,166,919).

Nicolici discloses a protective cover (Fig.1) for a pin connector (146) of a backplane (122), the cover comprising: at least one connector (106) having receptacles (col.3 lines 33-35) for receiving pins of a pin connector of the backplane; a planar member (100) extending from the at least one connector, the at least one connector being attached directly on said planar member; and a plate (10,12) attached directly to the planar member at an edge opposite the at least one connector; wherein the planar member is sufficiently sized to divide and separate blades installed on said backplane in a rack of a blade server (as shown in Fig.3); and wherein the at least one connector and said planar member are integrally formed. Please note that it has been held that the term "integral" is sufficiently broad to embrace constructions united by such means as fastening and welding. *In re Hotte*, 177 USPQ 326, 328 (CCPA 1973).

Regarding claim 2, Nicolici discloses the plate further comprises two handles (90,92) that include means for securing the plate to a rack of a blade server containing the backplane (col. 4 lines 17-18).

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Regarding claim 4, Nicolici discloses the handles and plate being sized and shaped like corresponding members on a blade of the blade server (col.1 lines 65-66).

Regarding claim 5, Nicolici discloses the at least one connector further comprises a plurality of connectors (106,108) attached along an edge of said planar member.

Regarding claim 31, Nicolici discloses the planar member extending substantially perpendicular to (at least a portion of) the plate.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nicolici et al. (US 6,166,919).

Nicolici discloses a protective cover (Fig.1) for a pin connector (146) of a backplane (122), the cover comprising: at least one connector (106) having receptacles (col.3 lines 33-35) for receiving pins of a pin connector of the backplane; a planar member (100) extending from the at least one connector, the at least one connector being attached directly on said planar member; and a plate (10,12) attached directly to the planar member at an edge opposite the at least one connector; wherein the planar member is sufficiently sized to divide and separate blades installed on said backplane in a rack of a blade server (as shown in Fig.3); and wherein the at least one connector and said planar member are integrally formed. Please note that it has been held that the

term "integral" is sufficiently broad to embrace constructions united by such means as fastening and welding. *In re Hotte*, 177 USPQ 326, 328 (CCPA 1973).

Nicolici discloses substantially the claimed invention except for the materials for the connector and the planar member. It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the connector and the planar member from the same material for efficiency and economical reasons, i.e. by molding both elements from a same load of material, and since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Regarding claim 2, Nicolici discloses the plate further comprises two handles (90,92) that include means for securing the plate to a rack of a blade server containing the backplane (col. 4 lines 17-18).

Regarding claim 4, Nicolici discloses the handles and plate being sized and shaped like corresponding members on a blade of the blade server (col.1 lines 65-66).

Regarding claim 5, Nicolici discloses the at least one connector further comprises a plurality of connectors (106,108) attached along an edge of said planar member.

Regarding claim 7, Nicolici discloses substantially the claimed invention except for the specific connector standard. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the connectors of Nicolici conforming to a specific connector standard, such as CPCI standard in order to use the cover of Nicolici with known connector structures.

Claims 8-10 and 41-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nicolici et al. in view of Sherwood (US 4,194,945).

Nicolici discloses a protective cover comprising: at least one connector (106) having receptacles for receiving pins of a pin connector of a backplane; and a handle (16) extending from the at least one connector for installing or removing the protective cover. Nicolici discloses substantially the claimed invention except for the clips extending from the cover. Sherwood shows a cover (17) having clips (at 23) extending from the cover for engaging a side of the pin connector (13) and clipping the cover to the pin connector. This engaging structure is an art recognized equivalent structure for the clips (90,92) of Nicolici. Therefore, because these two engaging structures were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute of clips of Sherwood for the clips of Nicolici to effectively engage the cover with the connector while simplifying the clip structure.

Regarding claim 9, Nicolici discloses the at least one connector further comprises a plurality of connectors (106,108) attached to a plate (100/10/12) of the handle.

Regarding claim 10, Nicolici discloses substantially the claimed invention except for the specific connector standard. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the connectors of Nicolici conforming to a specific connector standard, such as CPCI standard in order to use the cover of Nicolici with known connector structures.

Regarding claims 41 and 42, Nicolici discloses a protective cover (Fig.1) comprising: means for receiving and protecting (106) individual pins of a pin connector of a backplane; a handle (16) for installing or removing the protective cover, the handle extending from the means for receiving and protecting; and securing means (90,92) extending from said cover for securing said cover over said pins. Nicolici discloses substantially the claimed invention except for the securing means engaging the pin connector. Sherwood shows a cover (17) having securing means/clips (at 23) engaging the pin connector of said backplane. This engaging structure is an art recognized equivalent structure for securing means of Nicolici. Therefore, because these two securing means were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute of securing means of Sherwood for the securing means of Nicolici to effectively engage the cover with the connector while simplifying the structure.

Regarding claim 43, Nicolici discloses the means for receiving and protecting comprise one or more connectors (106,108) attached to the handle, the one or more connectors having receptacles for receiving pins of a pin connector of a backplane.

Regarding claim 44, see discussion on claim 10.

Allowable Subject Matter

Claims 32-40 and 45-49 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: the prior art does not teach or suggest a protective cover for a pin connector of a backplane, in which a planar member extends from at least one connector with

receptacles, and a plate is attached to the planar member opposite the connector, wherein the receptacles of the connector are not electrically connected to a circuit board or circuit elements; or a protective cover for a pin connector of a backplane, in which a handle extends from at least one connector, and clips extending from the cover, wherein the receptacles of the connector are not electrically connected to a circuit board or circuit elements.

Response to Arguments

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments with respect to claims 8-10 and 41-44 have been fully considered but they are not persuasive.

In response to applicant's argument that "it would not be possible to operate the hinge (21) to engage and disengage the module because operation of the hinge would be obstructed by the presence of the circuit board and filler module", please note that the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In this case, Sherwood teaches the use of clips as an alternative form for securing the cover to a respective connector. Nonetheless, even if addition of clips to the cover of

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Nicolici would also require the addition of upper portions (19), it would have been within the skill of an ordinary worker to allow enough space for operation of the upper portions.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Felix O. Figueroa whose telephone number is (571) 272-2003. The examiner can normally be reached on Mon.-Fri., 10:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (571) 272-2800 Ext. 33. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read "Julio. Z. H.", with a long horizontal stroke extending to the right.A handwritten signature in black ink, appearing to read "R. Luebke", with a large, stylized "R" and "L".

RENEE LUEBKE
PRIMARY EXAMINER